

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ROSE COULTER-OWENS,

Plaintiff,

v.

RODALE, INC.,

Defendant.

Case No. 2:14-cv-12688

Honorable Robert H. Cleland

JOINT AGREED MOTION TO MODIFY SCHEDULING ORDER

Plaintiff Rose Coulter-Owens and Defendant Rodale Inc. (collectively, the “Parties”), by and through their respective undersigned counsel, hereby move the Court to extend the remaining deadlines in the scheduling order by twenty-eight (28) days. In support of this Motion, the Parties state as follows:

1. On October 17, 2015, this Court entered a Scheduling Order, setting the dates through Trial. (Doc. 36.)
2. On November 4, 2015, the Parties participated in a mediation session in Chicago before Retired Chief Judge James Holderman (previously of the Northern District of Illinois) and made significant progress toward the ultimate resolution of this matter.
3. Since then, the Parties have continued to discuss the potential for a class-wide settlement, and have agreed to participate in further settlement discussions with Judge Holderman in the coming weeks.

4. Accordingly, the Parties request that the Court extend the remaining dates on the current Scheduling Order by twenty-eight days to allow the Parties to fully engage in continued settlement discussions with Judge Holderman, and to conserve resources that would be necessary to spend on experts in the upcoming few weeks under the current schedule, but that otherwise could be used toward potential resolution. The Parties seek an extension of the Scheduling Order, starting with Plaintiff's deadline for expert disclosures, as outlined below:

Event	Current Deadline	Proposed Deadline
Deadline for Parties to exchange initial disclosures.	March 23, 2015- COMPLETED	COMPLETED
Deadline for joinder of additional parties.	June 29, 2015- COMPLETED	COMPLETED
Deadline for amendment of pleadings.	June 29, 2015- COMPLETED	COMPLETED
Deadline for All Fact Discovery	November 13, 2015	COMPLETED ¹
Deadline for Plaintiffs' expert disclosures relating to class certification.	November 30, 2015	December 28, 2015
Deadline for Defendants' expert disclosures relating to class certification.	January 11, 2016	February 8, 2016

¹ The Parties have completed fact discovery, with the sole exception of one third-party deposition, which, by agreement, will be taken outside of the fact discovery period, but prior to the proposed deadline for Plaintiff's expert disclosures relating to class certification (December 28, 2015).

Event	Current Deadline	Proposed Deadline
Deadline for all class certification expert discovery.	February 1, 2016	February 29, 2016
Deadline for Motion for Class Certification.	February 29, 2016	March 28, 2016
Deadline for Dispositive Motions.	June 13, 2016	July 11, 2016
Rule 26(a)(3)(A) witness and exhibit disclosures due.	August 15, 2016	September 12, 2016
Final Pretrial Order, Proposed Stipulated Jury Instructions, Motions in Limine.	September 19, 2016	October 17, 2016
Final Pretrial Conference.	September 26, 2016	October 24, 2016
Trial.	October 11, 2016	November 8, 2016

5. The instant motion is filed in good faith and not for purposes of causing undue delay.

WHEREFORE, the Parties respectfully request this Court grant this Motion, and extend the remaining dates on the Scheduling Order by 28 days.

Dated: November 16, 2015

Plaintiff Rose Coulter-Owens

/s/ Ari J. Scharg

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Respectfully submitted by:

Defendant Rodale Inc.

/s/ Natalie J. Spears

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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

/s/ Natalie J. Spears